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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,272	07/02/2001	Adil Al-Kassim	2001P7786US01	2224

7590

03/25/2003

Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
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EXAMINER

LAGMAN, FREDERICK LYNDON

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/898,272

Applicant(s)

AL-KASSIM ET AL.

Examiner

Frederick L. Lagman

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9, 15, 17, 20, 21, 26, 27, 34, and 35 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-14, 16, 18, 19, 22-25, 28-33, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-5, 10-14, 16, 18, 19, and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Korver, II #5,537,454. Korver discloses a table top device comprising: a central section (generally shown near reference numeral 28, see figure 4) configured for attachment to a support base, the central section positioned outside of a beam projection area; a frame 12 fixedly attached to the central section and extending longitudinally outward from opposite sides thereof; a support system connected to the frame for supporting a patient thereon; wherein at least a portion of the frame and support system is located in the beam projection area, and wherein the support system is made from non-metal components such as radiolucent material such as carbon fibers. Korver, II also discloses mesh members 10 comprising carbon fiber materials including carbon fiber rods 16, 18.

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3. Claims 28-33 and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Pageot et al #3,868,103. Pageot et al discloses a surgical and examination table comprising a central section configured for attachment to a support base 116; a frame fixedly attached to the central section and extending longitudinally thereof; and a support system 102 integrally mounted within the frame, the support system comprising immobilization panels for immobilizing portions of a patient's body such as the pelvis, head, neck, and breast. The immobilization panels being pivotably attached to each other. The immobilization panels being made from non-metal components. The panels are removably attached via pins and the term "quick release" is relative.

***Allowable Subject Matter***

4. Claims 6-9, 15, 17, 20, 21, 26, 27, 34, and 35 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-5, 10-14, 16, 18, 19, and 22-25 have been considered but are moot in view of the new ground(s) of rejection.


6. Applicant's arguments filed 12/26/02 with respect to claims 28-33 and 36-37 have been fully considered but they are not persuasive. Pageot et al discloses a table top device comprising a central section 112 configured to be attached to a support base 116, and a support system comprising immobilization panels (104, 106, 108, and 110). A portion of the frame is movable; however, it would be still considered fixedly attached.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick L. Lagman whose telephone number is 703-305-7456. The examiner can normally be reached on Monday-Friday 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Schackelford can be reached on 703-308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

  
Frederick L. Lagman  
Examiner  
Art Unit 3673

FLL  
March 24, 2003